

## SENATE BILL NO. 205

INTRODUCED BY SHOCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT LOWERING THE NUMBER OF CONVICTIONS FOR WHICH A PERSON LOSES A DRIVER'S LICENSE FOR DRIVING WITHOUT INSURANCE; PROVIDING THAT THE DRIVER MUST PRESENT PROOF THAT INSURANCE HAS BEEN PAID OR AN INDEMNITY BOND HAS BEEN POSTED FOR THE NEXT 6 MONTHS BEFORE THE DEPARTMENT OF JUSTICE MAY REINSTATE THE LICENSE; PROVIDING THAT AN INSURANCE OR BOND COMPANY MAY NOT CANCEL THE INSURANCE OR BOND AT THE DRIVER'S REQUEST DURING THAT 6-MONTH PERIOD; AND AMENDING SECTION 61-6-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-6-304, MCA, is amended to read:

**"61-6-304. Penalties.** (1) Conviction of a first offense under 61-6-301 or 61-6-302 is punishable by a fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for not more than 10 days, or both. A second conviction is punishable by a fine of \$350 or by imprisonment in the county jail for not more than 10 days, or both. A third or subsequent conviction is punishable by a fine of \$500 or by imprisonment in the county jail for not more than 6 months, or both.

(2) Upon a second or subsequent conviction under 61-6-301 or 61-6-302, the sentencing court shall order the surrender of the vehicle registration receipt and license plates for the vehicle operated at the time of the offense if that vehicle was operated by the registered owner or a member of the registered owner's immediate family or by a person whose operation of that vehicle was authorized by the registered owner. The court shall send the receipt and plates, along with a copy of the complaint and dispositional order, to the department, which shall immediately suspend the receipt and plates for a period of 90 days from the date of a second conviction or 180 days from the date of a third or subsequent conviction. The receipt and plates may not be reinstated until the expiration of that period and until proof of compliance with 61-6-301 is furnished to the department, but if the vehicle is transferred to a new owner, the new owner is entitled to register the vehicle.

(3) Upon a ~~fourth~~ and second or subsequent conviction under 61-6-301 or 61-6-302, the court shall order the surrender of the driver's license of the offender, if the vehicle operated at the time of the offense was

1 registered to the offender or a member of the offender's immediate family. The court shall send the driver's  
2 license, along with a copy of the complaint and the dispositional order, to the department, which shall  
3 immediately suspend the driver's license. The department may not reinstate a driver's license suspended under  
4 this subsection until the registered owner provides the department proof of compliance with 61-6-301, including  
5 proof that insurance has been paid or an indemnity bond has been posted for the next 6 months, and the  
6 department determines that the registered owner is otherwise eligible for licensure. The insurance or bond  
7 company may not cancel the insurance or bond at the driver's request during that 6-month period.

8 (4) The court may suspend a required fine only upon a determination that the offender is or will be  
9 unable to pay the fine.

10 (5) A court may not defer imposition of penalties provided by this section.

11 (6) An offender is considered to have been previously convicted for the purposes of sentencing if less  
12 than 5 years have elapsed between the commission of the present offense and a previous conviction."

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